



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 112
TRENTON, NJ 08625-0112

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

MATTHEW J. PLATKIN
Attorney General

MICHAEL T.G. LONG
Director

February 5, 2024

Via ECF

Honorable Georgette Castner, U.S.D.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
4⁰² East State Street
Trenton, NJ 08608

Re: Doe v. Delaware Valley Regional High School Bd. of Ed., et al.
Docket No.: 3:24-cv-00107-GC-JBD

Dear Judge Castner:

I am writing to respectfully inquire whether Your Honor still desires additional briefing and proceedings in relation to Plaintiff's request for a temporary restraining order in light of the content of his submissions on February 2, 2024.

During the telephonic hearing in this matter this past Wednesday, Your Honor expressed an initial inclination to deny Plaintiff John Doe's request for a temporary restraining order because, rather than seeking to maintain the status quo by staving off some imminent or impending action, he was instead seeking to alter the status quo by asking the court to order that his child return to school, to appoint a monitor, and potentially to enjoin the State guidance document and NJLAD. But due, at least in part, to Doe's assertion of new factual matter during the hearing—specifically that he was at risk of being subject to truancy proceedings by the Department of Children and Families—Your Honor instead scheduled an expedited schedule for Doe to amend his pleadings and potentially the parties to file additional briefing.

While Doe filed additional papers this past Friday, those submissions did not contain an amended Verified Complaint containing any additional factual matter. Doe did file what appears to be the signature page of an additional declaration. *See*



February 5, 2024

Page 2

ECF No. 24-2. But neither that page, nor the supplemental brief that was filed along with it, contain any new facts showing that there is any risk of a truancy proceeding against John Doe. Instead, the only relevant additional facts state that two representatives from the Department of Children and Families came to his home for a “well check” to make sure that his child was okay. *Id.* at ¶ 9. And, rather than indicating that they would pursue truancy proceedings against him, the new filings state that those representatives instead “indicated that they were satisfied with the manner in which [Doe] was handling the situation and protecting” his child. *Id.*

In light of the lack of new facts showing any risk of a change to the status quo of Doe’s situation, State Defendants respectfully inquire whether Your Honor is still requesting briefing this Wednesday on the temporary restraining order, or whether this Court intends to issue a new schedule for briefing the motion for a preliminary injunction instead. Thank you for your attention to this issue.

Respectfully submitted,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/Matthew J. Lynch
Matthew J. Lynch
Deputy Attorney General

Cc: All Counsel via ECF